



CONFEDERATED TRIBES
of the
GOSHUTE RESERVATION

P.O. BOX 6104
IBAPAH, UTAH 84034
PHONE: (435) 234-1138
FAX: (435) 234-1162

RECEIVED

JAN 17 2008

ENVIRONMENTAL PROTECTION

January 4, 2008

Francisco Vega
Nevada Division of Environmental Protection
Bureau of Air Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

**Nevada
Environmental Protection**

JAN 17 2008

BAPC / BAQP

Dear Mr. Vega,

The Confederated Tribes of the Goshute Indian Reservation in Ibapah, Utah, hereby declares its opposition to the construction of a Class I facility referred to as the Ely Energy Center Project located 30 miles north of Ely, Nevada on Highway 93. The location of the Class I project is within the aboriginal territory of the Goshute Tribe and is also located very close to the current exterior boundaries of the Goshute Reservation.

As an Indian tribe, the Goshute Tribe has an inherent responsibility to protect its aboriginal territory, and the health and safety of its tribal members, especially those living on the Reservation. Any Class I projects will be detrimental to the land of the Goshutes and to the health and safety of Goshute Tribal members living on the Reservation;

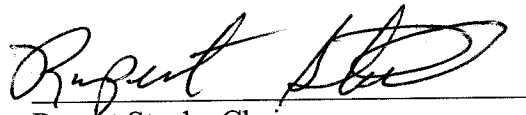
Specifically, any Class I projects, as described above, will release dangerous and hazardous pollutants into the air thereby damaging Goshute land, the health of tribal members, natural resources, and cultural resources.

The Goshute Tribe is concerned about sulfur dioxide, nitrogen oxides and other pollutants that will be released into the air from the coal fired plant. Years ago, when Kennecott was in operation at McGill, Nevada, our Reservation (including the Ibapah Valley) was continuously bombarded by filth emitted from the operation of a coal fired plant, as the prevailing winds carried the filth to our homeland. In addition our people have an unusually high incidence of asthma, which condition will be worsened as the pollutants will be transmitted over long distances.

As you should already know, the United States Federal Government has a trust responsibility to protect Indian tribal assets (including but not limited to land, water, air, and people). This trust responsibility has been described by the United States Supreme Court as a moral obligation of the highest responsibility and trust. Even though the State of Nevada has no such obligation, you should take this into consideration in deciding whether to issue the proper permits. The Goshute Tribe has considered the federal trust responsibility and will be contacting the federal Bureau of Indian Affairs and the Department of the Interior to oppose the Class I facility.

In summary and on behalf of the Confederated Tribes of the Goshute Reservation, I demand that no permit be issued so that further research and study will be conducted to assess the impacts of the Class I facility upon the Goshute Tribe. I have attached a copy of the Goshute Tribal resolution in opposition to your plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Rupert Steele", written over a horizontal line.

Rupert Steele, Chairman
Goshute Business Council



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RESOLUTION OF THE GOVERNING BODY
OF THE
CONFEDERATED TRIBES OF THE GOSHUTE RESERVATION

RESOLUTION NO. 08-G-02

BE IT RESOLVED BY THE GOSHUTE BUSINESS COUNCIL, THAT

WHEREAS, the Goshute Business Council is an Indian organization as defined under the Indian Reorganization Act of June 18, 1934 as amended and primarily operate and function in accordance with terms and conditions of a Tribal Constitution and By-Laws, approved November 25, 1940 as amended and other duly adopted and approved Tribal Ordinances, Codes and Guidelines; and

WHEREAS, the Goshute Confederated Tribes of the Goshute Reservation ("the Goshute Tribe") has received a notice that the State of Nevada's Division of Environmental Protection has issued a Public Notice; and

WHEREAS, The Public Notice states that there is a request to construct a Class I coal burning facility by the Ely Energy Center Project, which will be located 30 miles north of Ely, Nevada on Highway 93; and

WHEREAS, The location of the Class I project is within the aboriginal territory of the Goshute Tribe and is also located very close to the current exterior boundaries of the Goshute Reservation; and

WHEREAS, The Goshute Tribe has an inherent responsibility to protect it's aboriginal territory, and the health and safety of its tribal members, especially those living on the Reservation; and

WHEREAS, Any Class I projects will be detrimental to the land of the Goshutes and to the health and safety of Goshute Tribal members living on the Reservation;

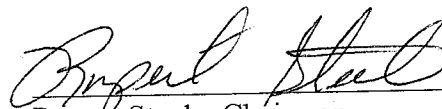
WHEREAS, Specifically, any Class I projects, as described above, will release dangerous and hazardous pollutants into the air thereby damaging Goshute land, the health of tribal members, natural resources, and cultural resources;

NOW THEREFORE BE IT RESOLVED, that the Goshute Business Council approves and adopts the following resolutions:

1. The Goshute Tribe hereby adamantly opposes the construction of a Class I facility approximately 30 miles north of Ely on Highway 93; and
2. The Goshute Tribe hereby authorizes itself and the Tribal Administrator to take all reasonable and necessary actions to oppose the Class I facility.

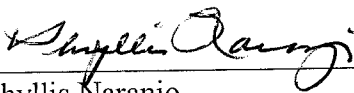
C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned, as Chairman of the Goshute Business Council for the Confederated Tribes of the Goshute Reservation hereby certify that the Goshute Business Council is composed of five (5) members of whom five (5) constituting a quorum were present at a meeting called and held on the 4th day of January, 2008 and that the foregoing resolution was adopted and approved by an affirmative vote of 4 **FOR**; 0 **AGAINST**; 0 **ABSTAINED** pursuant to the authority contained under Article VII, Section 1(a) of the Tribal Constitution and By-Laws, approved November 25, 1940.



Rupert Steele, Chairman
Goshute Business Council

ATTEST:



Phyllis Naranjo
Goshute Tribal Secretary